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3 **UNITED STATES DISTRICT COURT**
4 **DISTRICT OF NEVADA**

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6 LeShaun Young,

7 Plaintiff,

8 v.

9 United States of America, et al.,

10 Defendants.
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Case No. 2:21-cv-01697-RFB-DJA

Report and Recommendation

12 After the Court rejected Plaintiff LeShaun Young's initial complaint (ECF No. 1-1) for
13 failure to pay the filing fee or including an application to proceed *in forma pauperis*, Plaintiff
14 filed his application. (ECF No. 4). Plaintiff also filed a motion to appoint counsel (ECF No. 7)
15 and a motion to transfer to multidistrict litigation (ECF No. 5). Because Plaintiff's complaint is
16 delusional and frivolous, the Court recommends dismissal with prejudice. It further recommends
17 that Plaintiff's motion to appoint counsel and motion to transfer to multidistrict litigation be
18 denied as moot. The Court finds these matters properly resolved without a hearing. LR 78-1.

19 **I. Background.**

20 Plaintiff's original complaint is nearly impossible to decipher. (ECF No. 1-1). Plaintiff
21 seems to allege claims against former presidents and other public figures for violations of
22 Plaintiff's privacy rights. (*Id.* at 2-3). Plaintiff names even more public figures in his application
23 to proceed *in forma pauperis*, including the hosts of "Shark Tank," the Pope, Oprah Winfrey,
24 Elon Musk, George Lucas, and many others. (ECF No. 4 at 7). Plaintiff seems to assert claims
25 for violations of his constitutional rights and mail fraud against these individuals. (*Id.*).
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II. Discussion.

The Court recommends dismissing Plaintiff's complaint with prejudice. District courts have the authority to dismiss cases *sua sponte* without notice to the plaintiff when he "cannot possibly win relief." *Sparling v. Hoffman Constr. Co.*, 864 F.2d 635, 638 (9th Cir. 1998).¹ A complaint should be dismissed for failure to state a claim upon which relief may be granted "if it appears beyond a doubt that the plaintiff can prove no set of facts in support of his claims that would entitle him to relief." *Buckey v. Los Angeles*, 968 F.2d 791, 794 (9th Cir. 1992). A complaint may be dismissed as frivolous if it is premised on a nonexistent legal interest or delusional factual scenario. *Neitzke v. Williams*, 490 U.S. 319, 327-28 (1989). The court liberally construes *pro se* complaints and may only dismiss them "if it appears beyond doubt that the plaintiff can prove no set of facts in support of his claim which would entitle him to relief." *Nordstrom v. Ryan*, 762 F.3d 903, 908 (9th Cir. 2014).

Here, even liberally construing Plaintiff's complaint, the Court finds that the factual allegations are nearly impossible to understand and describe factual and delusional scenarios that do not state a claim upon which relief can be granted. Plaintiff cannot state a claim and the complaint is properly characterized as frivolous and delusional. Given that both Plaintiff's original complaint and his later-filed application to proceed *in forma pauperis* both contained indecipherable and fantastic claims, amendment would be futile. The Court thus recommends dismissal with prejudice.

REPORT AND RECOMMENDATION

IT IS THEREFORE RECOMMENDED that Plaintiff's complaint (ECF No. 1-1) be **dismissed with prejudice** as delusional and frivolous.

¹ When a plaintiff seeks to proceed *in forma pauperis*, courts screen the complaint to ensure that a claim for relief has been stated. 28 U.S.C. § 1915(e). Here, Plaintiff filed an incomplete application to proceed *in forma pauperis* and failed to sign his application. (ECF No. 4). Given the Court's separate ability to dismiss the complaint under the authority cited above, however, the Court need not address whether Plaintiff qualifies to proceed *in forma pauperis* before recommending dismissal.

NOTICE

DATED: December 15, 2021

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